THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.10623 of 1996

Dated: 28th November, 2006

Between:

T. Jaya Rao. **…..PETITIONER**

AND

Government of India, Ministry
of Commerce, New Delhi represented
by its Secretary and others. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.10623 of 1996

ORDER:

This writ petition is filed seeking to declare the action of the respondents in terminating the services of the petitioner by impugned proceedings No.18 (4)/94-P.Ad, dated 21-5-1996 with effect from 21-6-1996 as illegal, arbitrary and consequently direct the respondents to continue the petitioner and regularize her service in accordance with the rules.

Though the petitioner raised several grounds in the writ petition *inter alia* contending that respondents without following the procedure contemplated under Section 25 (f) (g) and (g) of the I.D. Act have terminated his service by the impugned orders, the fact remains that the petitioner himself in the writ affidavit stated that the respondent is an industry as defined under Section 2 (j) of the Industrial Disputes Act, 1947 (for short "the I.D. Act ").

Since the respondent is an industry, if the petitioner is aggrieved by the impugned orders, dated 21-5-1996 terminating his service, the appropriate forum is to approach the labour Court under I.D. Act, but he cannot straightaway approach this Court under Article 226 of the Constitution of India.

In the circumstances, I deem it appropriate to close the writ petition with the observation as under:

The petitioner is at liberty to approach the labour court under the I.D. Act against the impugned orders dated 21-5-1996 of the respondents and can raise all the grounds that are raised in the writ petition.

The writ petition is accordingly closed with the observations as above. No costs.

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(N.V. RAMANA, J.)

Date:28th November, 2006.

grk